

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - First Regular Session

MAJORITY CAUCUS CALENDAR

March 3, 2015

Bill Number	Short Title	Committee	Date	Action
Committee on Appropriations				
Chairman:	Justin Olson, LD25		Vice Chairman:	Vince Leach, LD11
Analyst:	Jennifer Thomsen		Intern:	Meagan Swart
HB 2170	lifespan respite care program; appropriation			
SPONSOR:	BROPHY MCGEE, LD28	HOUSE		
	APPROP	2/25	DPA	(12-0-0-2-0)
	(Abs: PETERSEN,UGENTI)			
HB 2176	legislative appropriations; state; federal; monies			
	(APPROP S/E: nonenumerated federal land; relinquishment)			
SPONSOR:	THORPE, LD6	HOUSE		
	APPROP	2/25	DPA/SE	(9-5-0-0-0)
	(No: SHERWOOD,MEYER,CARDENAS,CLARK,MACH)			
HB 2262	school district transportation; JTED students			
SPONSOR:	BOWERS, LD25	HOUSE		
	APPROP	2/25	DPA	(13-0-0-1-0)
	(Abs: RIVERO)			
HB 2447	technical correction; bond election			
	(APPROP S/E: real property managers; consolidated returns)			
SPONSOR:	OLSON, LD25	HOUSE		
	APPROP	2/25	DPA/SE	(14-0-0-0-0)
HB 2540	technical correction; defrauding secured creditors			
	(APPROP S/E: ballot measures; forms; filing officer)			
SPONSOR:	FINCHEM, LD11	HOUSE		
	APPROP	2/25	DPA/SE	(10-4-0-0-0)
	(No: SHERWOOD,MEYER,CARDENAS,MACH)			
Committee on Agriculture, Water and Lands				
Chairman:	Brenda Barton, LD6		Vice Chairman:	Darin Mitchell, LD13
Analyst:	Tom Savage		Intern:	Christopher Palmer
HB 2316	small water systems fund			
SPONSOR:	BARTON, LD6	HOUSE		
	AWL	2/5	DP	(9-0-0-0-0)
HB 2318	transfer of public lands compact			
SPONSOR:	BARTON, LD6	HOUSE		
	AWL	2/19	DPA	(6-2-0-1-0)
	(No: GABALDÓN,OTONDO; Abs: MONTENEGRO)			
HB 2321	public lands; conveyance and taxation			
SPONSOR:	BARTON, LD6	HOUSE		
	AWL	2/19	DPA	(6-3-0-0-0)
	(No: BENALLY,GABALDÓN,OTONDO)			

[HCR 2037](#) state authority; nonnavigable, intrastate waters.
 SPONSOR: BARTON, LD6 HOUSE
 AWL 2/19 DP (7-2-0-0-0)
 (No: GABALDÓN,OTONDO)

Committee on Children and Family Affairs

Chairman: John M. Allen, LD15 **Vice Chairman:** Kate Brophy McGee, LD28
Analyst: Ingrid Garvey **Intern:** Brennan Rohs

[HB 2171](#) lifespan respite care; program termination
 SPONSOR: BROPHY MCGEE, LD28 HOUSE
 CFA 2/9 DP (8-0-0-1-0)
 (Abs: ACKERLEY)

[HB 2519](#) relocation of child; parenting plans
 SPONSOR: COLEMAN, LD16 HOUSE
 CFA 2/16 DPA (8-1-0-0-0)
 (No: MENDEZ)

[HB 2545](#) technical correction; power authority; monies
 (CFA S/E: direct care personnel; duties)
 SPONSOR: ALLEN J, LD15 HOUSE
 CFA 2/16 DPA/SE (9-0-0-0-0)

Committee on Federalism and States' Rights

Chairman: Kelly Townsend, LD16 **Vice Chairman:** Noel W. Campbell, LD1
Analyst: Justin Riches **Intern:** Samantha Oswitch

[HB 2368](#) sovereign authority; executive orders; DOJ
 SPONSOR: THORPE, LD6 HOUSE
 FSR 2/18 DP (5-3-0-0-0)
 (No: WHEELER,VELASQUEZ,RIOS)

[HB 2643](#) sovereign authority; affordable care act
 SPONSOR: OLSON, LD25 HOUSE
 FSR 2/18 DPA (5-3-0-0-0)
 (No: WHEELER,VELASQUEZ,RIOS)

Committee on Government and Higher Education

Chairman: Bob Thorpe, LD6 **Vice Chairman:** John Christopher Ackerley, LD2
Analyst: Katy Proctor **Intern:** Danny DeHoog

[HB 2364](#) universities; funding revisions
 SPONSOR: THORPE, LD6 HOUSE
 GHE 1/29 DPA (8-0-0-1-0)
 (Abs: PETERSEN)
 APPROP 2/25 DPA (13-0-0-1-0)
 (Abs: STEVENS)

[HCR 2016](#) personal property tax; exemption
 SPONSOR: MESNARD, LD17 HOUSE
 GHE 2/19 DP (6-2-0-1-0)
 (No: FRIESE,SALDATE; Abs: LARKIN)
 APPROP 2/25 DP (8-4-0-2-0)
 (No: SHERWOOD,MEYER,CLARK,MACH; Abs: CARDENAS,RIVERO)

Committee on Health**Chairman: Heather Carter, LD15****Vice Chairman: Regina Cobb, LD5****Analyst: Ingrid Garvey****Intern: Brennan Rohs**[HB 2036](#)

night schools; technical correction

(HEALTH S/E: naturopathic physicians; licensing requirements)

SPONSOR: CARTER, LD15 HOUSE
HEALTH 2/17 DPA/SE (6-0-0-0-0)[HB 2167](#)

appropriation; client services trust fund

SPONSOR: BROPHY MCGEE, LD28 HOUSE
HEALTH 2/3 DPA (6-0-0-0-0)
APPROP 2/25 DP (14-0-0-0-0)[HB 2604](#)

epinephrine auto-injectors

SPONSOR: COBB, LD5 HOUSE
HEALTH 2/17 DPA (6-0-0-0-0)**Committee on Judiciary****Chairman: Edwin W. Farnsworth, LD12****Vice Chairman: Sonny Borrelli, LD5****Analyst: Gina Kash****Intern: Morganne Barrett**[HB 2374](#)

wrongful death actions; disqualified party

SPONSOR: BROPHY MCGEE, LD28 HOUSE
JUD 2/4 DP (5-0-0-1-0)
(Abs: HALE)[HB 2629](#)

supreme court; attorney licensing

SPONSOR: KERN, LD20 HOUSE
JUD 2/18 DP (4-2-0-0-0)
(No: FRIESE,HALE)**Committee on Military Affairs and Public Safety****Chairman: Sonny Borrelli, LD5****Vice Chairman: Mark Finchem, LD11****Analyst: Casey Baird****Intern: Delaney Krauss**[HB 2165](#)

unlawful sexual conduct; peace officers

(MAPS S/E: veteran education; fund; advisory committee)

SPONSOR: BORRELLI, LD5 HOUSE
MAPS 2/19 DPA/SE (8-1-0-0-0)
(No: FARNSWORTH E)[HB 2431](#)

uniform firearms transfer compact

SPONSOR: THORPE, LD6 HOUSE
MAPS 2/19 DP (5-4-0-0-0)
(No: CARDENAS,PRATT,ANDRADE,MACH)



HOUSE OF REPRESENTATIVES

HB 2170

lifespan respite care program; appropriation

Sponsor: Representative Brophy McGee

W/D Committee on Children & Family Affairs

DPA Committee on Appropriations

X Caucus and COW

House Engrossed

OVERVIEW

HB 2170 appropriates \$500,000 from the state General Fund (GF) in Fiscal Year (FY) 2016 to the Department of Economic Security (DES) for the Lifespan Respite Care Program.

HISTORY

Arizona Revised Statutes (A.R.S.) §46-171 defines *lifespan respite care* as a coordinated system of accessible, community based respite care services for family caregivers of children or adults with special needs. It also defines *respite care* as short-term care and supervision services that are provided to an individual to relieve the individual's caregiver.

A.R.S. §46-172 requires DES to establish a Lifespan Respite Care Program (Program) for primary caregivers of individuals who do not currently qualify for other publicly funded respite services. The Program coordinates with other respite services and supports the growth and maintenance of a statewide respite coalition and is directed to conduct a study on the need for respite care and to help identify local training resources for respite care providers. In addition, the Program strives to link families with respite care providers and to create an evaluation tool for recipients of respite care to assure quality of care.

PROVISIONS

1. Appropriates \$500,000 from the state GF in FY 2016 to DES for the Program.
2. Deletes the Program termination date.

AMENDMENTS

Committee on Appropriations

1. Reduces the appropriation from the state GF from \$500,000 to \$250,000.



HOUSE OF REPRESENTATIVES

HB 2176

legislative appropriations; state; federal; monies
Sponsors: Representatives Thorpe, Allen J, Borrelli, et al.

W/D Committee on Federalism & States' Rights

DPA/SE Committee on Appropriations

X Caucus and COW

House Engrossed

OVERVIEW

HB 2176 provides that the Legislature retains authority to appropriate all state and noncustodial federal monies.

Summary of the Proposed Strike-Everything Amendment to HB 2176

The proposed strike-everything amendment to HB 2176 requires the US to relinquish all constitutionally nonenumerated federal land within Arizona to the State Land Trust.

HISTORY

Arizona Revised Statutes (A.R.S.) § 37-102 provides the State Land Department (Department) the authority to have charge and control of all lands owned by the state, timber, stone, gravel and other products of such lands. The State Land Commissioner (Commissioner) is appointed by the governor to perform and exercise all powers and duties vested in or imposed on the Department. The duties include, among others, exercising the powers of surveyor-general, making long range plans for the future use of state lands in cooperation with other state agencies, local planning authorities and political subdivisions and classifying and appraising state lands for the purpose of sale, lease or grant of right-of-way (A.R.S. § 37-132).

Under federal law, local governments are compensated through various programs for reductions to their property tax bases due to the presence of federally owned land. The Payments in Lieu of Taxes Act of 1976 (P.L. 94-565, as amended, 31 U.S.C. § 6901-6907) created the most widely applicable program administered by the Department of the Interior, which applies to many types of federally owned land, and is referred to as PILT. PILT are payments to local governments that help offset losses in property taxes due to nontaxable federal lands within their boundaries. The authorized level of PILT payments is calculated under a formula based on population, receipt sharing payments and the amount of federal land within an affected county. PILT does not apply to Indian-owned lands, virtually none of which are subject to local taxes.

PROVISIONS

1. Requires the Commissioner to request the US to relinquish all constitutionally nonenumerated federal land within Arizona to the State Land Trust by January 1, 2026.
2. Requires, beginning January 1, 2026, the Attorney General (AG) to initiate proceedings against the US in order to force the relinquishment of all remaining constitutionally nonenumerated federal land.
3. Declares that Arizona has not agreed to the provisions of PILT and specifies that the receipt of PILT payments to the state or a political subdivision does not constitute:
 - a. An acceptance of the validity or authority of PILT.
 - b. The relinquishment of any taxing authority.
 - c. The relinquishment of any other rights.

4. Requires Arizona and political subdivisions of the state to assess property taxes as provided by law on all constitutionally nonenumerated federal lands within the state.
5. Stipulates that any PILT payments made by the federal government on the constitutionally nonenumerated federal lands must be applied toward the property tax assessed but are not accepted in lieu of the payment for the taxes assessed. Directs the AG to initiate proceedings against the US to collect delinquent tax assessment payments.
6. Contains legislative findings.

AMENDMENTS

Committee on Appropriations

1. The proposed strike-everything amendment was adopted.



HOUSE OF REPRESENTATIVES

HB 2262

school district transportation; JTED students
Sponsors: Representatives Bowers: Barton, Finchem

W/D Committee on Education
DPA Committee on Appropriations
X Caucus and COW
House Engrossed

OVERVIEW

HB 2262 requires a school district to provide transportation to and from a Joint Technical Education District (JTED) campus for children who reside within the district's boundaries, do not attend a district-operated school and are enrolled in a program or course at the JTED campus.

HISTORY

Arizona Revised Statutes (A.R.S.) § 15-392 authorizes school districts to form JTEDs to act as cooperatives for school districts to deliver specialized vocational and career and technical education courses for students to attain sufficient skills to enter into occupations that normally do not require a baccalaureate or advanced degree. Currently, 13 JTEDs operate in Arizona.

A.R.S. § 15-393 requires any agreement between the governing board of a JTED and another JTED, a school district, a charter school or a community college district to be in the form of an intergovernmental agreement or other written contract. The agreement must specify, among other items, the transportation services that will be provided and the manner in which the transportation costs will be paid.

PROVISIONS

1. Requires, if a school district provides pupil transportation services to and from a JTED campus, a district to provide transportation to and from the JTED campus for children who:
 - a. Reside within the district's boundaries;
 - b. Do not attend a district-operated school; and
 - c. Are enrolled in a program or course at the JTED campus.
2. Requires the JTED to provide any needed identification or indemnification information to the district for the transportation of the pupils.

AMENDMENTS

Committee on Appropriations

1. Specifies that a school district is not obligated to change the bus routes or add stops to accommodate pupils who are not enrolled in the district.
2. Requires pupils to comply with the district's bus conduct rules and stipulates that they may be excluded from transportation for misconduct.
3. Requires the district to be reimbursed for agreed-upon fuel costs and expenses related to adding equipment, staff or routes to accommodate the pupil transportation, but prohibits the district from charging for costs that the district is already incurring for staff and equipment to transport the district's enrolled pupils.



HOUSE OF REPRESENTATIVES

HB 2447

technical correction; bond election

Sponsor: Representative Olson

DPA/SE Committee on Appropriations

X Caucus and COW

House Engrossed

OVERVIEW

HB 2447 makes a technical correction to the posting of resolutions for bond elections.

Summary of the Proposed Strike-Everything Amendment to HB 2447

The proposed strike-everything amendment to HB 2447 requires a municipality that levies transaction privilege, sales, or any similar tax on the rental of real property to allow real property managers to file consolidated tax returns on behalf of client property owners.

HISTORY

Transaction Privilege Tax (TPT) is imposed on a vendor for the privilege of conducting business in Arizona. Under this tax, the seller is responsible for remitting to the state the entire amount of tax due based on the gross proceeds or gross income of the business. While the tax is commonly passed on to the consumer at the point of sale, it is ultimately the seller's responsibility to remit the tax. Business activities subject to TPT include, but are not limited to: retail, restaurants and bars, transient lodging (hotel/motel), commercial leasing, advertising, amusements, personal property rentals, real property rentals, construction contracting, owner/builders, manufactured building, severance (mining, timbering), transportation, printing, publishing, utilities, communications, air/railroad, and private cars/pipelines.

According to the Arizona Department of Revenue's Model City Tax Code, the tax rate for rental, leasing, and licensing for use of real property shall be at an amount equal to a specific percent of the gross income from the business activity engaging or continuing in the business of leasing or renting real property.

PROVISIONS

1. Requires a municipality that levies TPT, sales, gross receipt, use, franchise, or any similar tax on rental, lease, or licensing of real property to allow property managers to file consolidated tax returns with respect to gross proceeds on behalf of the property owners.
2. Stipulates that the filing manager must obtain written consent of each property owner.
3. Mandates that all owners on the same tax return have the same tax schedule and use the same cash receipts or accrual basis of reporting.
4. Describes the responsibilities of the manager filing the return as follows:
 - a. Acts in a fiduciary capacity as the owners' agent;
 - b. Is accountable to the owners and to the municipality for accurately reporting and paying the tax and other amounts due;
 - c. Is subject to audit of the consolidated tax returns, including the data used in compiling and filing the return; and
 - d. Provides written notice to each owner within 30 days after filing of the date and amount paid to the municipality on the owners' behalf.

5. Details the responsibilities of the property owner as follows:
 - a. Remains accountable, responsible, and liable for the accuracy of the information furnished to the manager and the return and payment of the full tax liability;
 - b. Is subject to an audit of records that are submitted to the manager for the consolidated tax return; and
 - c. May withdraw any properties from the consolidated tax return on 30 days written notice to the manager and the municipality's tax collector.

AMENDMENTS

Committee on Appropriations

1. The proposed strike-everything amendment was adopted.



HOUSE OF REPRESENTATIVES

HB 2540

technical correction; defrauding secured creditors

Sponsor: Representative Finchem

W/D Committee on Elections

DPA/SE Committee on Appropriations

X Caucus and COW

House Engrossed

OVERVIEW

HB 2540 makes technical changes.

SUMMARY OF THE PROPOSED STRIKE-EVERYTHING AMENDMENT TO HB 2540

The proposed strike-everything amendment to HB 2540 adds administrative requirements for initiative and referendum petitions and signature sheets.

HISTORY

Arizona Revised Statutes (A.R.S.) § 19-111 requires a person or organization intending to propose a law or constitutional amendment by initiative petition or filing a referendum against a measure to file an application with the Secretary of State (SOS) on a form provided by the SOS. The application contains information including the person's or organization's name, titles of its officers and their intention to circulate and file a petition. Statute prohibits the SOS from accepting an application for initiative or referendum without an accompanying statement of organization or signed exemption statement. On receipt of the application, the SOS assigns an official serial number to the petition, which appears in the lower right-hand corner of each side of each copy. A record is maintained in the office of the SOS of each application received and of the numbers assigned and issued to the applicant.

A.R.S. § 19-121.01 requires the SOS, within 20 days of the filing date of initiative and referendum petitions, to remove signature sheets for various reasons including not bearing the petition serial number in the lower right-hand corner of each side .

A.R.S. § 19-141 stipulates that the duties required by the SOS as to state legislation shall be performed by the city or town clerk and county officer in charge of elections as to municipal and county legislation, respectively.

PROVISIONS

1. Directs the SOS, municipal clerks and county officers in charge of elections to do the following:
 - a. Provide separate fillable forms for initiative and referendum petitions and signature sheets for the petition.
 - b. Place the official serial number on the petition and each signature form.
 - c. Ensure the petition form and signature sheets issued to each applicant are complete, correct and contain all the information required by law for a valid petition and signatures.
 - i. Specifies that this does not include verifying information regarding the signers and circulators, the actual signatures, the notarized signatures of the circulators and the information regarding and signature of the notary public.
2. Makes technical and conforming changes.

AMENDMENTS

Committee on Appropriations

1. The proposed strike-everything amendment was adopted.



HOUSE OF REPRESENTATIVES

HB 2316

small water systems fund

Sponsors: Representatives Barton, Borrelli; Bowers, et al.

DP Committee on Agriculture, Water and Lands

W/D Committee on Appropriations

X Caucus and COW

House Engrossed

OVERVIEW

HB 2316 appropriates \$500,000 from the General Fund (GF) to the Small Water Systems Fund (Fund) to provide emergency grants to small water systems.

HISTORY

Laws 1987, Chapter 317 established the Fund within the Arizona Department of Environmental Quality (ADEQ). The Fund may be administered by the Water Infrastructure Finance Authority if designated by the director of ADEQ. The Fund consists of monies appropriated by the Legislature required to be used for:

1. Developing public education and information programs for owners, operators and customers of small water systems;
2. Providing advice and assistance in managerial, accounting, engineering and other technical areas;
3. Integrating and coordinating information databases among government agencies involved in regulating small water systems;
4. Developing other programs which would benefit the owners, operators and customers of small water systems; and
5. Providing emergency grants to interim managers or operators, appointed by the Arizona Corporation Commission, to repair water infrastructure.

PROVISIONS

1. Removes requirements from the use of the Fund.
2. Adds that the Fund will be used to provide emergency grants to repair or replace water infrastructure.
3. Appropriates \$500,000 from the GF in FY 2016 to the Fund.
 - a. Exempts the appropriation from lapsing.
4. Defines *small water system* as a public water system that serves 500 or fewer connections.
5. Makes technical and conforming changes.



HOUSE OF REPRESENTATIVES

HB 2318

transfer of public lands compact

Sponsors: Representatives Barton, Finchem: Bowers, et al.

DPA Committee on Agriculture, Water and Lands

X Caucus and COW

House Engrossed

OVERVIEW

HB 2318 enacts the Interstate Compact on the Transfer of Public Lands (Compact).

HISTORY

Laws of Utah 2014, Chapter 324 established the Compact and the Compact Commission (Commission) to be composed of member state representatives from the states of Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Washington and Wyoming (Utah Code Annotated § 63L-6-105). The goal of this Compact, as stated in the enabling language, is to restore, protect and promote state sovereignty and health, safety and welfare of the citizens within the boundaries of these states by developing strategies for securing federally controlled public lands and to draft model legislation for states to send to their Congressional delegation for introduction in Congress that will transfer federally controlled lands to the respective state government. The Compact will become effective when at least two states have become signatory through a legislative act and upon approval of Congress.

Article 1, Section 10 of the United States Constitution prohibits states from entering into any agreement or compact with another state without the consent of Congress.

PROVISIONS

1. Enacts the Compact and establishes the Commission to consider mechanisms for securing the transfer of federal lands to the member states.
2. Requires the Commission to:
 - a. Elect a chair and a cochair;
 - b. Appoint a Compact administrator (Administrator);
 - c. Request and disburse funds for the Compact;
 - d. Seek research and staff assistance from nonprofits;
 - e. Adopt parliamentary procedures and bylaws;
 - f. Discuss issues regarding federal action that interferes with state authority;
 - g. Keep and publish minutes and Administrator records as public record; and
 - h. Prepare annual reports of Commission activities.
3. Requires the Administrator to staff and perform duties at the request of the Commission.
4. Specifies that a quorum is a majority of the member state representatives present at Commission meetings and each member state has one vote.
5. Prohibits the Commission from taking action that infringes any state law in a member state.
6. Specifies the appointment procedure for member state representatives and requires each member state to appoint one member to the Commission.
7. Requires state legislation to withdraw from the Compact.

8. Requires the Administrator to notify all member states when a new state adopts the Compact.
9. Specifies how the Commission meetings will be conducted.
 - a. The first meeting will be held 90 days after at least two states adopt the Compact.
 - b. Requires the Commission to meet at least once a year.
10. Stipulates that Commission will be funded exclusively by each member state or by voluntary donations.
11. Defines the goals of securing sovereignty and jurisdiction over western states' public lands and drafting model uniform legislation to send to Congress for the transfer of federally controlled public lands to the respective states.
12. Defines terms.

AMENDMENTS

Committee on Agriculture, Water and Lands

1. Amends the Compact as follows:
 - a. Strikes language prohibiting special Commission meetings from being conducted longer than three consecutive days.
 - b. Allows the Commission to accept any appropriate revenue sources, donations and grants of money, equipment, supplies, material and services.
 - c. Permits the Commission to collect an assessment from each member state or impose fees on other parties to cover the operating costs of the Commission.
 - d. Prohibits the Commission from levying an annual assessment if a member state votes against the assessment, was absent for the vote on the assessment, or the member state denies the assessment in writing within 60 days after the vote.
 - e. Prohibits the Commission from incurring obligations before securing adequate funds to meet the obligation.
 - f. Requires the Commission to keep records of all receipts and disbursements of funds, which are subject to a yearly audit.
2. Includes a conditional enactment clause stating the changes will not take effect until the state of Utah amends Laws of Utah 2014, Chapter 324 in a manner substantively identical to the amendments adopted by the Arizona Legislature.
 - a. Requires the State Land Commissioner and Attorney General to report to the director of Legislative Council if this condition has been met.
3. Makes a technical change.



HOUSE OF REPRESENTATIVES

HB 2321

public lands; conveyance and taxation
Sponsors: Representatives Barton: Thorpe

DPA Committee on Agriculture, Water and Lands

X Caucus and COW

House Engrossed

OVERVIEW

HB 2321 requires the federal government to extinguish title to and transfer all public lands to Arizona prior to January 1, 2016 and stipulates that all lands that the federal government has not extinguished title to are subject to assessment, levy and taxation.

HISTORY

The Property Clause of the United States Constitution, Article IV, § 3, Clause 2, states “The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.” The Supreme Court of the United States has ruled that "With respect to the public domain, the Constitution vests in Congress the power of disposition and of making all needful rules and regulations. That power is subject to no limitations. Congress has the absolute right to prescribe the times, the conditions, and the mode of transferring this property, or any part of it, and to designate the persons to whom the transfer shall be made. No State legislation can interfere with this right or embarrass its exercise; and to prevent the possibility of any attempted interference with it, a provision has been usually inserted in the compacts by which new States have been admitted to the Union, that such interference with the primary disposal of the soil of the United States shall never be made" (Gibson v. Chouteau, 80 U.S. 92 (1872)).

The Arizona Enabling Act states “...the people inhabiting said proposed State do agree and declare that they forever disclaim all right and title to the unappropriated and ungranted public lands lying within the boundaries thereof and to all lands lying within said boundaries owned or held by any Indian or Indian tribes, the right or title to which shall have been acquired through or from the United States or any prior sovereignty, and that until the title of such Indian or Indian tribes shall have been extinguished the same shall be and remain subject to the disposition and under the absolute jurisdiction and control of the Congress of the United States...” (June 20, 1910, c. 310, 36 Stat. 557, 568-579).

A 2012 study conducted by the Congressional Research Service (CRS) determined that the federal government owns title to around 635-640 million acres of land in the United States, and of that estimate, 609 million acres are managed by four federal agencies: the United States Forest Service; the National Park Service; the Bureau of Land Management; and the Fish and Wildlife Service (CRS Report (Report) R42436). According to the Report, 30,741,287 acres (42.3% of land) in Arizona are owned and managed by the federal government.

County governments that contain federal land within its boundaries are compensated by the federal government to provide services such as fire protection and police services. Since these lands cannot be taxed and reduce the property tax base to the county, the United States Department of Interior administers the Payments in Lieu of Taxes (PILT) program that compensates county governments for these services (31 U.S.C. § 6901-6907). The amount of PILT payment a county government may receive is calculated by a complex formula determined by five factors: the number of acres eligible for PILT payments; the county’s population; payments in prior years from other specified federal land payment programs; state laws directing payments to a particular government purpose; and the Consumer Price Index as calculated by the Bureau of Labor Statistics.

Utah passed similar legislation in 2012, the Transfer of Public Lands Act (Utah Code Annotated § 63L-6), which required the federal government to extinguish title to and transfer public lands to the state of Utah prior to January 1, 2015.

Similar legislation was introduced in the 50th Legislature, 2nd Regular Session (SB 1332) that required the United States to extinguish title to and transfer all public lands to Arizona prior to January 1, 2015. The legislation was vetoed by Governor Jan Brewer.

PROVISIONS

Disposition and Taxation of Federal Land

1. Requires the federal government to extinguish title to and transfer all public lands to Arizona prior to January 1, 2016.
2. Requires the State to retain 5% of net proceeds from the sale of federal lands transferred by the federal government and pay the remaining 95% to the United States.
3. Stipulates that all lands that the federal government has not extinguished title to are subject to state assessment, levy and taxation.
4. Defines net proceeds as the gross proceeds of the sale minus expenses incident to the sale.

Public Lands Board of Review; Report

5. Requires the Public Lands Board of Review (Board) to recommend legislation regarding:
 - a. Establishing a commission to administer the disposal of public lands;
 - b. Modifying the definition of public lands, if necessary;
 - c. Establishing a process for determining interests, rights or uses related to:
 - i. Easements
 - ii. Minerals, oil, gas, geothermal, timber, water and other natural resources
 - iii. Livestock grazing
 - iv. Mining
 - v. Recreation
 - vi. Rights of entry
 - vii. Special uses
 - d. Establishing the process for:
 - i. The United States to extinguish title to public lands;
 - ii. The state to receive title to public lands from the federal government.
 - iii. The state to sell public lands received from the federal government.
 - e. Establishing procedures and requirements for subjecting unsold public lands to assessment, levy and taxation, including the lien, foreclosure and sale of public lands for unpaid taxes.
 - f. Establishing other requirements related to national forests, national monuments, national recreation area and other public lands administered by the federal government.
6. Requires the Board to report its findings to the Governor and the Legislature prior to December 1, 2017.

AMENDMENTS

Committee on Agriculture, Water and Lands

1. Changes the year, from 2016 to 2019, the federal government is required to extinguish title to and transfer all public lands.
2. Changes the year, from 2017 to 2020, when lands not transferred to the state will be subject to assessment, levy and taxation.
3. Changes the year, from 2017 to 2020, the Public Lands Review Board is required to submit a report to the Governor and the Legislature.



HOUSE OF REPRESENTATIVES

HCR 2037

state authority; nonnavigable, intrastate waters.

Sponsors: Representative Barton, Senators Shooter: Pierce

DP Committee on Agriculture, Water and Lands

X Caucus and COW

House Engrossed

OVERVIEW

HCR 2037 proposes an amendment to the Constitution of Arizona asserting the State's authority to regulate nonnavigable, intrastate waters.

HISTORY

The Clean Water Act (CWA) governs discharges to navigable waters, which are defined as *waters of the United States*. In several recent decisions the U.S. Supreme Court has interpreted what waterways are included in *waters of the United States*. On April 21, 2014, the Environmental Protection Agency and the U.S. Army Corps of Engineers published a joint rule in the Federal Register (79 FR 22187) that will further define the scope of waters protected under the Clean Water Act. According to the agencies, the goal of the proposed rule is to make the process of identifying *waters of the United States* less complicated and more efficient. Both agencies propose to define *waters of the United States* and propose that *other waters* that do not fit the definition of *waters of the United States* could be determined as such if the water has a significant nexus to traditional navigable water. The final rule is projected to be published in the Federal Register in April of 2015.

PROVISIONS

1. Proclaims that the State exercises its sovereign authority to prohibit:
 - a. The federal government from enforcing regulations of nonnavigable, intrastate waters or waterways within the State unless authorized by Congress; and
 - b. State agencies and political subdivisions from using any personnel or resources to enforce, administer or cooperate with any federal action or program that attempts to regulate nonnavigable, intrastate waters or waterways unless the courts determine such regulation is absolutely necessary to exercise powers expressly delegated to the federal government by the Constitution.
2. Stipulates that this article is enforceable in equity in the courts by any resident without fee, expense or cost shifting to the State.
3. Specifies that if a provision is held invalid, the provision is severable and the invalidity does not affect other provisions.
4. Declares the U.S. Constitution is the supreme law of the land and all government, state and federal, is subject.
5. States that the Constitution was meant to reserve the states' exclusive jurisdiction over their respective nonnavigable, intrastate waters within their boundaries except as expressly delegated to the federal government by the Constitution or prohibited by it to the states.
6. States that the federal government's power to regulate navigable waters cannot be applied to nonnavigable, intrastate waters and waterways that have no significant connection to navigable waters.

7. Asserts that no enumerated power of the federal government may be applied constitutionally to threaten the continued existence of any state as a sovereign body.
8. States that for over 150 years, Congress has generally adopted a principled deference to the states' exclusive jurisdiction over their respective nonnavigable, intrastate waters and waterways, especially in the field of water law.
9. Asserts that the continued existence of the states as autonomous sovereign bodies requires such exclusive jurisdiction over their respective nonnavigable, intrastate waters and waterways as is necessary and proper to insure that adequate water supplies are available, developed, maintained and delivered to protect their tax bases as well as public health and safety.
10. Requires the Secretary of State to submit the proposition to the voters at the 2016 general election.
11. Cites this article as the Water is Life Amendment.



HOUSE OF REPRESENTATIVES

HB 2171

lifespan respite care; program termination

Sponsor: Representative Brophy McGee

DP Committee on Children and Family Affairs

X Caucus and COW

House Engrossed

OVERVIEW

HB 2171 eliminates the provision of law relating to the termination of the Lifespan Respite Care Program (Program)

HISTORY

Laws 1972, Chapter 142 created the Arizona Department of Economic Security (ADES) to promote the safety, well-being, and self-sufficiency of children, adults and families within Arizona. Consisting of numerous divisions, ADES supports enhanced safety and security for Arizonans by focusing on four key goals; strengthening individuals and families, enhancing self-sufficiency, collaborating with communities to enlarge their capacity, increasing efficiency and being effective through innovation and accountability.

Arizona Revised Statutes § 46-172 requires ADES to establish a Program for primary caregivers of individuals who do not currently qualify for other publicly funded respite services. The Program coordinates with other respite services and supports the growth and maintenance of a statewide respite coalition. The Program is to conduct a study on the need for respite care and to help identify local training resources for respite care providers. In addition, the Program strives to link families with respite care providers and to create an evaluation tool for recipients of respite care to assure quality of care. Currently, the Program is set to terminate on July 1, 2017.

PROVISIONS

1. Eliminates the provision of law relating to the termination of the Program.



HOUSE OF REPRESENTATIVES

HB 2519 relocation of child; parenting plans Sponsor: Representative Coleman

DPA Committee on Children and Family Affairs

X Caucus and COW

House Engrossed

OVERVIEW

HB 2519 makes changes to the laws related to the relocation of a child.

HISTORY

A.R.S. § 25-408 provides that if both parents are entitled to joint legal decision-making or unsupervised parenting time and reside in Arizona, a parent who wishes to relocate a child outside the state or more than 100 miles within the state must provide the other parent at least 60 days' advance written notice. Statute requires the court to sanction a parent who, without good cause, does not comply with the notification requirement. Within 30 days after the notice is provided, the nonmoving parent may petition the court to prevent the child's relocation.

When a petition is filed, statute requires the court to determine whether to allow the parent to relocate the child in accordance with the child's best interests, and the burden of proving what is in the child's best interests is on the parent who is seeking to relocate the child. The court must consider all relevant factors in determining the child's best interests, including specific factors listed in statute.

PROVISIONS

1. Requires a parenting plan to have procedures in place to address issues related to the relocation of a child.
2. Clarifies that any parent who has court ordered parenting time is entitled to notice of a proposed relocation.
3. States that if by written agreement or court order both parents are entitled to joint legal decision making or parenting time and both parents reside in the state, at least 60 days' advance written notice must be provided to the other parent before a parent may do either of the following:
 - a. Relocate the child outside the state.
 - b. Relocate the child more than 15 miles within the state.

Amendments

Committee on Children and Family Affairs

1. Changes the notification requirement to be provided to the other parent from *60 days* to *45 days* before the proposed move.
2. Changes the miles a parent may move, without notification from *15 to 30 miles* within the state.
3. Provides that after receiving a notice of relocation, the nonmoving parent may file a petition with the court within *21 days* rather than *30 days* to prevent relocation.
4. Specifies that the notice requirements for relocation do not apply when the court has granted a request to protect the residential address of the moving party pursuant to the Arizona Rules of Family Procedure, the Arizona Rules of Protective Order Procedure, the address is protected as a shelter for victims of domestic violence or the party is a participant in the Address Confidentiality Program.

5. States pending a determination by the court of a petition or application to prevent relocation of a child the amendment allows:
 - a. A party with sole legal decision making or a parent with joint legal decision making and primary residence of a child when required due to eviction of that parent or that parent's spouse to relocate in less than *45 days* rather than *60 days* after advance written notice has been given to the other party to temporarily relocate with the child.
 - b. A parent who shares joint legal decision making and substantially equal parenting time and who is required due to eviction of that parent or the parent's spouse to relocate in less than *30 days* rather than *60 days* after written notice has been given to the other parent, may temporarily relocate with the child if both parents have executed a written agreement to permit relocation.



HOUSE OF REPRESENTATIVES

HB 2545

technical correction; power authority; monies

Sponsor: Representative Allen J

DPA/SE Committee on Child and Family Affairs

X Caucus and COW

House Engrossed

OVERVIEW

HB 2545 makes a technical correction.

Summary of the Proposed Strike-Everything Amendment to HB 2545

HB 2545 allows direct care staff personnel to execute a pre-hospital medical care directive if the physician of the person with the directive has ordered a hospice plan of care by a licensed hospice service agency.

HISTORY

Arizona Revised Statutes (A.R.S.) § 36-3251 states a person may execute a pre-hospital medical care directive that, in the event of cardiac arrest or respiratory arrest, directs the withholding of cardiopulmonary resuscitation by emergency medical system and hospital emergency department personnel. Statute prescribes the manner and form in which the directive must be printed. A medical care directive is effective until it is revoked or superseded by a new document. If a person has any doubt as to the validity of a directive or the medical situation they must proceed with resuscitation efforts

PROVISIONS

1. Provides that a direct care staff person may comply with a pre-hospital medical care directive if the physician of the person who has the valid pre-hospital medical care directive has ordered a hospice plan of care by a licensed hospice service agency.
2. Adds direct care staff person(s) into the pre-hospital medical care directive statutes.
3. Allows the Division of Developmental Disabilities within the Arizona Department of Economic Security or the Arizona Health Care Cost Containment System to prescribe guidance for training and education of direct care staff persons.
4. Defines *direct care staff person*.
5. Makes technical and conforming changes.

Amendments

Committee on Children and Family Affairs

1. The strike-everything amendment was adopted.



HOUSE OF REPRESENTATIVES

HB 2368

sovereign authority; executive orders; DOJ

Sponsors: Representatives Thorpe, Finchem; Barton

DP Committee on Federalism & States' Rights

X Caucus and COW

House Engrossed

OVERVIEW

HB 2368 prohibits the state from funding executive orders issued by the President of the United States and policy directives from the U.S. Department of Justice (DOJ) unless affirmed by a vote of Congress and signed into law as prescribed by the U.S. Constitution.

HISTORY

The Arizona Constitution, Article Two, Section Three provides that to protect the people's freedom and to preserve the checks and balances of the U.S. Constitution, this state may exercise its sovereign authority to restrict the actions of its personnel and the use of its financial resources to purposes that are consistent with the constitution by doing any of the following: passing an initiative or referendum, passing a bill, pursuing any other available legal remedy.

Executive orders are legally binding orders given by the President to federal administrative agencies. Executive orders are generally used to direct federal agencies and officials in their execution of congressionally established laws or policies. Executive orders do not require congressional approval to take effect but they have the same legal weight as laws passed by Congress. The President's source of authority to issue executive orders is found in the Article II, Section I of the U.S. Constitution, which grants to the President certain specified executive powers.

PROVISIONS

1. Prohibits this state or any of its political subdivisions from using any personnel or financial resources to enforce, administer or cooperate with an executive order issued by the President of the U.S. that has not been affirmed by a vote of Congress and signed into law as prescribed by the U.S. Constitution.
2. Prohibits this state or any of its political subdivisions from using any personnel or financial resources to enforce, administer or cooperate with a policy directive issued by the U.S. DOJ to law enforcement agencies in this state that has not been affirmed by a vote of Congress and signed into law as prescribed by the U.S. Constitution.



HOUSE OF REPRESENTATIVES

HB 2643

sovereign authority; affordable care act

Sponsors: Representatives Olson, Leach

DPA Committee on Federalism & States' Rights

X Caucus and COW

House Engrossed

OVERVIEW

HB 2643 prohibits the state and all political subdivisions from using any personnel or financial resources to enforce, administer, or cooperate with the Affordable Care Act (ACA).

HISTORY

The ACA is a Federal law signed into effect on March 23, 2010. The ACA prohibits insurers from denying coverage to individuals due to pre-existing conditions, and a partial community rating requires insurers to offer the same premium price to all applicants of the same age and geographical location without regard to gender or most pre-existing conditions. Minimum standards for health insurance policies were also established. The ACA provides an individual mandate which requires all individuals not covered by an employer sponsored health plan, Medicaid, Medicare or other public insurance programs to secure an approved private-insurance policy or pay a penalty, unless the applicable individual has a financial hardship or is a member of a recognized religious sect exempted by the Internal Revenue Service. The law includes subsidies to help people with low incomes comply with the mandate.

The Tenth Amendment of the United States Constitution provides the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people. The Arizona Constitution, Article Two, Section Three provides to protect the people's freedom and to preserve the checks and balances of the U.S. Constitution, this state may exercise its sovereign authority to restrict the actions of its personnel and the use of its financial resources to purposes that are consistent with the constitution. If the people or their representatives exercise their authority pursuant to this section, this state and all political subdivisions of this state are prohibited from using any personnel or financial resources to enforce, administer or cooperate with the designated federal action or program.

PROVISIONS

1. Prohibits this state and all political subdivisions from using any personnel or financial resources to enforce, administer, or cooperate with the Affordable Care Act by:
 - a. Funding or implementing a state-based health care exchange or marketplace.
 - b. Funding or aiding in the prosecution of any entity for a violation of the act.
 - c. Funding or administering any program or provision of the Act after the effective date of this section that will result in any the following:
 - i. Reducing the available insurance or provider choices, or
 - ii. Increasing burdens on insurance or provider choices, or
 - iii. Limiting the availability of self-funded health insurance programs, reinsurance, or other products traditionally used with self-funded health insurance programs.
2. Defines for the purposes of this section *Act* and *Affordable Care Act*.

AMENDMENTS

1. States that the legislation does not apply to the Hospital Assessment Program and Fund.



HOUSE OF REPRESENTATIVES

HB 2364

universities; funding revisions

Sponsor: Representative Thorpe

DPA Committee on Government & Higher Education

DPA Committee on Appropriations

X Caucus and COW

House Engrossed

OVERVIEW

HB 2364 makes changes to the Arizona Board of Regents' (ABOR) statutes relating to the performance-based funding model, tuition and fee remittance to the state and project reviews by the Joint Committee on Capital Review (JCCR).

HISTORY

ABOR is the governing board for Arizona's public universities: Arizona State University, the University of Arizona and Northern Arizona University. ABOR offers guidance in areas such as: academic and student affairs, student tuition, fees, financial aid programs and financial and human resource programs. ABOR consists of 12 members, including the Governor and the Superintendent of Public Instruction as ex-officio members, and two student members. The two student members are appointed by the Governor and serve two-year staggered terms. The other eight members are appointments of the Governor and serve eight-year terms (azregents.edu).

Arizona Revised Statutes (A.R.S.) § 15-1626 requires ABOR to adopt a performance funding model, in collaboration with the universities under its jurisdiction. The funding model must use performance metrics that include increases in degrees awarded, increases in completed student credit hours, and increases in externally generated research and public service funding. ABOR must use this model in developing and submitting budget requests for the universities under its jurisdiction.

Statute requires ABOR to annually adopt an operating budget for each university under its jurisdiction. The budget must be equal to the sum of appropriated General Fund (GF) monies and the amount of tuition, registration fees and other revenues approved by ABOR and allocated to each university operating budget. The amount of tuition, registration fees and all other revenues included in the university budgets must be remitted to the state Treasurer (A.R.S. § 15-1626).

Current law requires any lease-purchase agreement executed by ABOR relating to land acquisition, capital projects, energy systems or energy management systems, to provide that the project must be reviewed by JCCR before the lease-purchase agreement takes effect. JCCR must review any ABOR project funded by state appropriation, indirect or third-party financing or bonds (A.R.S. §§ 15-1682.01, 15-1682.02 & 15-1683).

PROVISIONS

Performance Funding Model

1. Requires ABOR, in collaboration with the universities under its jurisdiction, to adopt and periodically update a performance-based funding model before July 1, 2016, to use in preparing its annual budget request for the Fiscal Year that begins July 1 of the following calendar year.

- a. Each year subsequent to its implementation, ABOR must adopt the model and communicate any revisions to the Governor, President of the Senate, Speaker of the House of Representatives and their respective budget offices.
2. Directs the Legislature to use the funding model to determine the annual increase to the base level of GF support to the universities.
3. Requires the funding model to be based on readily available and auditable metrics that include each of the following:
 - a. The actual incremental growth of degrees conferred
 - b. The actual incremental growth of completed student credit hours
 - c. The actual incremental growth of externally funded research and public service spending
4. Allows ABOR to use an average of three years or less of the annual growth of the metrics in the funding formula.
5. Allows the funding formula to give higher weight to high-value degrees that are in short supply or that are essential to the long-term economic development strategy of the state.
6. Requires ABOR to submit the model to the Governor's Office of Strategic Planning and Budgeting and the Joint Legislative Budget Committee (JLBC) for use in preparing annual budget estimates and recommendations.
7. Requires ABOR to maintain and update a data directory for all data elements used in maintaining and operating the funding model.
 - a. This directory must be made available to the Governor, the Legislature and the public through ABOR's website.

Tuition Remittance

8. Removes the requirement that all tuition, registration fees and other revenues included in the operating budget for each university be remitted to the state Treasurer.
9. Strikes the requirement that ABOR adopt an annual operating budget for each university, equal to the sum of appropriated GF monies, the amount of tuition, registration fees and other revenues approved by the board and allocated to each university operating budget.
10. Requires ABOR to submit a report to JLBC, on or before October 1 of each year, regarding all tuition revenues, received by each university under its jurisdiction that details the expenditure of all tuition revenues for the prior fiscal year.

JCCR Project Reviews

11. States that JCCR may only review an ABOR project to the extent of the portion of the project that is financed by state appropriation.
 - a. Excludes projects or portions of projects funded by indirect or third-party financing from JCCR review.
12. States that a bond-funded ABOR project is deemed to have a favorable recommendation from JCCR if JCCR does not review the project within 90 days after a university has formally submitted project plans to JLBC staff.
13. Makes technical and conforming changes.

AMENDMENTS

Committee on Government & Higher Education

1. Adjusts, from July 1, 2016 to July 1, 2015, the date by which ABOR must adopt the performance funding model.

Committee on Appropriations

2. Removes the provisions of the bill relating to JCCR project reviews.
3. Adjusts, from July 1, 2016 to July 1, 2015, the date by which ABOR must adopt the performance funding model.



HOUSE OF REPRESENTATIVES

HCR 2016

personal property tax; exemption

Sponsors: Representatives Mesnard, Mitchell, Petersen, et al.

DP Committee on Government & Higher Education

X Caucus and COW

House Engrossed

OVERVIEW

HCR 2016 amends Article IX, § 2 of the Arizona Constitution to provide a tax exemption for the first \$2.4 million of assessed value for qualifying personal property acquired after December 31, 2015.

HISTORY

The Arizona Constitution provides that all property in Arizona is subject to property taxation unless it is specifically exempted from tax as authorized by the Constitution. Under current Arizona law, the first \$50,000 of full cash value of a taxpayer's personal property used in agriculture or in a trade or business is exempt from tax (Arizona Revised Statutes [A.R.S.] § 42-11127). The amount is adjusted annually for inflation, and is set at \$146,973 for 2015. *Full cash value* is synonymous with market value, which means the estimate of value derived annually by using standard appraisal methods and techniques, unless statute prescribes another method. Pursuant to A.R.S. § 42-11001(6), full cash value shall not be greater than market value regardless of the method prescribed to determine value for property tax purposes. *Personal property* refers to property that is not part of real estate and includes such things as machinery, equipment, and store fixtures.

PROVISIONS

1. Prohibits the Legislature from levying a tax on the full cash value of the first \$2.4 million of assessed cash value of personal property acquired after December 31, 2015, used for agricultural purposes or in a trade or business.
2. Requires the Legislature to increase the full cash value of the first \$2.4 million in accordance with inflation.
3. States the measure is to be known as the *Small Business Job Creation Act*.
4. Requires the Secretary of State to place the measure on the ballot at the next general election.
5. Makes technical and conforming changes.



HOUSE OF REPRESENTATIVES

HB 2036

night schools; technical correction

Sponsor: Representative Carter

DPA/SE Committee on Health

X Caucus and COW

House Engrossed

OVERVIEW

HB 2036 makes a technical correction.

Summary of the Proposed Strike-Everything Amendment to HB 2036

The proposed strike-everything amendment to HB 2036 makes changes to the license by endorsement and examination statutes for naturopathic physicians (NPs).

HISTORY

Established by Laws 1935, Chapter 105 the Naturopathic Physicians Board of Medical Examiners (Board) promotes the safe and professional practice of naturopathic medicine. The primary duty of the Board is to protect the public by licensing, examining and regulating the practice of naturopathic medicine. The Board has the authority to implement disciplinary actions when a violation of the statutes or rules is substantiated. As of March 2014, the Board had 760 licensed naturopathic physicians, 14 medical assistant certificate holders, 315 physician training certificate holders, 532 certificates to dispense natural substances and 18 certificates to conduct preceptorship training programs.

Arizona Revised Statutes § 32-1502 outlines the membership of the Board which consists of four physician members and three public members all appointed by the Governor to serve five year terms. Members of the Board are eligible to receive compensation of not more than \$150 for each day of actual service on the Board.

The Arizona Auditor General (AG) issued a Performance Audit and Sunset Review of the Board in September, 2014. The AG recommended a statutory change to the licensure by endorsement statute.

PROVISIONS

1. Provides that if an applicant for licensure is licensed in another jurisdiction of the United States or another country that does not require that competency be shown in the same elective practice areas as Arizona, that applicant must successfully complete examinations in these elective practice areas or if otherwise qualified, be issued a license that does not include these elective practice areas.
2. Removes obsolete language regarding examination requirements.
3. Specifies that an individual applying for licensure under the basic qualifications for licensure or the foreign graduate licensure statutes must take and pass the following portions of the Naturopathic Physicians Licensing Examinations (NPLEX) or other examination:
 - a. Part I basic biomedical science examination.
 - b. Part II core science and core clinical science examinations.
 - c. Clinical elective examinations of minor surgery and acupuncture.
4. State that an individual who is applying for licensure by endorsement must:

- a. Take and pass both the Part I basic biomedical science examination and the Part II core science and core clinical science examinations.
 - b. May take and pass the clinical elective examinations of minor surgery and acupuncture if the person is applying for a license that includes those elective practice areas.
5. Specifies for an individual applying for a license by endorsement and who was licensed in another state or a Canadian province before January 1, 2005, in addition to meeting the requirements for licensure by endorsement, must take and pass an additional 60 hour course and examination in pharmacotherapeutics.
 6. Requires foreign graduate applicants for licensure to pass an examination in Arizona naturopathic jurisprudence that is administered by the Board.
 7. Requires an individual applying for a basic license, license by endorsement or for foreign graduates to take and complete all of the examinations required within a five-year period immediately preceding the submission of an application for licensure.
 8. Makes technical and conforming changes.

Amendments

Committee on Health

1. The strike-everything amendment was adopted.



HOUSE OF REPRESENTATIVES

HB 2167

appropriation; client services trust fund

Sponsors: Representatives Brophy McGee, Mach: Carter

DPA Committee on Health
DP Committee on Appropriations
X Caucus and COW

House Engrossed

OVERVIEW

HB 2167 appropriates \$2,000,000 from the Arizona Long-Term Care System Fund (ALTCS) if unexpended and unencumbered at the end of Fiscal Year (FY) 2015 to the Client Development Disability Services Trust Fund (Fund).

HISTORY

Laws 1972, Chapter 142 created the Arizona Department of Economic Security (ADES) to promote the safety, well-being, and self-sufficiency of children, adults and families within Arizona. Consisting of numerous divisions, ADES supports enhanced safety and security for Arizonans by focusing on four key goals; strengthening individuals and families, enhancing self-sufficiency, collaborating with communities to enlarge their capacity, increasing efficiency and being effective through innovation and accountability.

The Division of Developmental Disabilities (Division) provides services to individuals and families with disabilities by offering home and community-based aid, residential and day programs and services for children. Within the Division is the Developmental Disability Advisory Council (Council). Laws 1992, Chapter 355 established the Council which consists of 17 members appointed by the governor. The Council must review and make recommendations to the Division in relation to coordinating and integrating services, the health, safety, welfare and legal rights of persons with developmental disabilities, the Division's plan for improvement and service delivery along with other items outlined in statute. In addition, the Council must oversee and approve expenditures of monies from the Fund.

The Fund is a one-time assistance fund that was established to assist people with developmental disabilities and their families. The Council reviews and approves expenditures which meet the program goals.

PROVISIONS

1. Appropriates \$2,000,000 from ALTCS, if unexpended and unencumbered at the end of FY 2015 to the Fund.
2. States that the transfer of funds is subject to approval by AHCCCS.
3. States that it is the intent of the Legislature to partially replace monies swept from the Fund used to provide services to clients with development disabilities in FYs 2008 and 2009.

Amendments

Committee on Health

1. Decreases the appropriation amount to \$100,000 and corrects the statutory reference relating to the source of the appropriation.



HOUSE OF REPRESENTATIVES

HB 2604

epinephrine auto-injectors

Sponsors: Representatives Cobb, Finchem: Carter

DPA Committee on Health

X Caucus and COW

House Engrossed

OVERVIEW

HB 2604 permits an authorized entity to acquire and stock a supply of epinephrine auto-injectors that has been prescribed by a medical professional.

HISTORY

Arizona Revised Statutes (A.R.S.) § 15-341 requires school district governing boards to prescribe and enforce policies and procedures that allow students diagnosed with anaphylaxis to carry and self-administer emergency medications, including auto-injectable epinephrine, while at school and school-sponsored activities. Policies must require that the student notify the nurse or designated staff of the use of the medication as soon as possible.

Current law allows a trained school employee to administer, or assist in the administration of auto-injectable epinephrine if they are acting in good faith (A.R.S. § 15-157). Statute also provides immunity from civil liability to medical professionals that prescribe auto-injector epinephrine to a school or charter school.

Epinephrine is a hormone that increases heart rate, tightens the blood vessels, and opens the airways of a person having a severe allergic reaction or experiencing anaphylaxis.

PROVISIONS

1. Allows a medical practitioner to prescribe epinephrine auto-injectors in the name of an authorized entity and allows pharmacists and practitioners to dispense the epinephrine auto-injectors.
 - a. Prescriptions are valid for two years.
2. Permits an authorized entity to acquire and stock a supply of epinephrine auto-injectors and outlines requirements for their storage and access, including requirements that may be established by ADHS.
3. Specifies that an employee or agent of an authorized entity or another individual who has received training pursuant to law may do the following:
 - a. Provide an epinephrine auto-injector to a person, or the parent, guardian or caregiver of a person who they believe in good faith is experiencing anaphylaxis, regardless of whether or not the individual has a prescription or has been diagnosed with an allergy.
 - b. Administer an epinephrine auto-injector to an individual, regardless of whether or not the individual has a prescription or has been diagnosed with an allergy.
4. Requires any person providing or administering an epinephrine auto-injector to complete an initial training program, and a training program every two subsequent years.
5. Requires an epinephrine auto-injector training program to be conducted by a nationally recognized organization with pertinent experience or an entity or individual approved by ADHS.

6. Allows ADHS to approve specific entities or individuals and classes of entities or individuals to conduct training.
7. Specifies that training programs may be conducted online or in person and shall cover the following criteria:
 - a. Recognizing signs and symptoms of a severe allergic reaction, which includes anaphylaxis;
 - b. Standards and procedures relating to the storage and administration of an epinephrine auto-injector; and
 - c. Emergency follow-up procedures.
8. Specifies that ADHS is required to issue an approved certificate to each person who successfully completes a training program.
9. States that all of the following groups and individuals are not liable for any injuries or related damages that result from any act or omission relating to the administering or dispensing of epinephrine auto-injectors:
 - a. An authorized entity;
 - b. An employee or agent of an authorized entity;
 - c. A pharmacist; or
 - d. A medical practitioner.
10. Clarifies that the exemptions from liability do not apply to acts or omissions constituting gross negligence, wilful misconduct or intentional wrongdoing.
11. States that the administration of an epinephrine auto-injector pursuant to this section of law is not the practice of medicine or any other profession that otherwise requires licensure, nor does it eliminate, limit or reduce any other immunity or defense that may be available under state law.
12. Specifies that an authorized entity in this state is not liable for any injuries or related damages that result from the administration or provision of an epinephrine auto-injector outside of this state if certain conditions are met.
13. Requires an authorized entity that makes available or possesses epinephrine auto-injectors to submit a report to ADHS of each incident that occurs on their respective premises.
14. Provides an exemption for medical doctors, doctors of osteopathic medicine and pharmacists, pharmacy interns or graduate interns from provisions of law relating to unprofessional conduct when prescribing or dispensing epinephrine auto-injectors to an authorized entity.
15. Defines *administer*, *authorized entity*, *epinephrine auto-injector* and *practitioner*.
16. Makes technical changes.

Amendments

Committee on Health

1. Clarifies that a practitioner prescribing in the name of an authorized entity, an authorized entity, an employee or agent of an authorized entity and a person or entity that provides training is exempt from civil liability regarding all actions, decisions made or omissions taken that are based on good faith implementation, except in cases of wanton or wilful neglect.
2. States that the civil liability exemption does not affect a manufacturer's product liability regarding the manufacturing or instructions for use of an epinephrine auto-injector.



HOUSE OF REPRESENTATIVES

HB 2374

wrongful death actions; disqualified party

Sponsors: Representative Brophy McGee, Senator Pancrazi: Representative Carter, et al.

DP Committee on Judiciary

X Caucus and COW

House Engrossed

OVERVIEW

HB 2374 disqualifies a person who is found guilty of, plead guilty or no contest to, intentionally causing the death of a decedent when recovering wrongful death benefits.

HISTORY

Arizona Revised Statutes § 14-2803 specifies that a person who feloniously and intentionally kills the decedent forfeits all benefits with respect to the decedent's estate by will or intestate succession. The Arizona Court of Appeals held that this provision does not apply to wrongful death actions in *Carrasco v. State of Arizona*.

PROVISIONS

1. Disqualifies a person who is found guilty of, plead guilty or no contest to, intentionally causing the death of a decedent when recovering wrongful death benefits.



HOUSE OF REPRESENTATIVES

HB 2629

supreme court; attorney licensing

Sponsors: Representatives Kern, Townsend, Senator Burges, et al.

DP Committee on Judiciary

X Caucus and COW

House Engrossed

OVERVIEW

HB 2629 establishes the Supreme Court as the entity responsible for licensing attorneys for the practice of law in Arizona and specifies membership of any organization is not required for attorneys to become or remain a licensed attorney in Arizona.

HISTORY

The State Bar of Arizona was established in 1993 operates under the supervision of the Supreme Court. Approximately 18,000 active attorneys in the state are regulated by the State Bar. Educational and developmental programs for the legal profession and the public are provided by this non-profit organization. The State Bar contains a Lawyer Regulation Department which resolves client-attorney conflicts. Attorneys licensed to practice law in Arizona are active members of the State Bar, excluding attorneys who are inactive, retired, suspended or judicial members.

The Certification and Licensing Division (Division) is one of eight divisions of the Administrative Office of the Courts (A.O.C.). This Division is charged with developing and administering certification and licensing programs for the Supreme Court. The Attorney Admissions Unit is contained within the Division and implements procedures that are required of law school graduates to become certified to practice law in Arizona. The staff assists the Committee on Examinations and the Committee on Character and Fitness of the Supreme Court, both making recommendations to The Supreme Court. The basis of these recommendations often reflect the actions taken by the court. Applicants are admitted to practice law in Arizona by order of the Supreme Court of Arizona (17A A.R.S. Sup.Ct.Rules, Rule 33).

The purpose of the Attorney Discipline is to oversee the reporting of attorney misconduct. Specifically, it deals with attorneys who have not successfully discharged their professional duties (17A A.R.S. Sup.Ct.Rules, Rule 41).

PROVISIONS

1. Requires the Supreme Court to license attorneys for the practice of law in Arizona and to adopt the following rules:
 - a. Minimum qualifications for licensure.
 - b. Testing requirements.
 - c. Requiring a background investigation before obtaining a license.
 - d. Disciplining attorneys.
 - e. Disbarring attorneys.
2. Specifies an attorney is not obligated to be a member of any type of organization in order to become or remain a licensed attorney in Arizona.



HOUSE OF REPRESENTATIVES

HB 2165

unlawful sexual conduct; peace officers

Sponsor: Representative Borrelli

DPA/SE Committee on Military Affairs and Public Safety

X Caucus and COW

House Engrossed

OVERVIEW

HB 2165 classifies certain acts committed by peace officers as unlawful sexual conduct.

Summary of the Proposed Strike-Everything Amendment to HB 2165

The proposed strike-everything amendment to HB 2165 establishes the Post-9/11 Veteran Education Relief Fund and Advisory Committee.

HISTORY

The Department of Veterans' Services (DVS) manages two skilled nursing homes for Arizona veterans, assists veterans in obtaining federal benefits, and operates the Southern Arizona Veterans' Memorial Cemetery. DVS also administers a number of special funds, including the Veterans' Donations Fund, the Southern Arizona Veterans' Cemetery Trust Fund, and the Military Family Relief Fund, which are all funded via private donations and contributions.

The Post-9/11 GI Bill provides honorably discharged veterans with at least 90 days of active duty service after September 10, 2001 up to three years of education benefits. Benefits include tuition and fee payment, a monthly housing allowance, and an annual stipend for books and supplies for use at colleges, universities, vocational schools, and flight schools or for on-the-job training programs or apprenticeships. Qualifying recipients may transfer all or some of their unused benefits to a spouse or children.

Arizona Revised Statutes § 41-609 defines a *veteran supportive campus* as a postsecondary educational institution that offers the following:

- a campus survey of student veterans to identify student needs and issues;
- a campus steering committee that is comprised of student veterans, faculty, and staff to share information, develop programs, and identify student veteran needs;
- sensitivity and awareness training on military and veterans' culture;
- student veteran orientation programs;
- peer mentoring and support for student veterans;
- outreach strategies to local military bases;
- resource and student centers for student veterans and their families and student family members of deployed military personnel; and
- community-based collaborations to solicit private contributions to support veteran resource centers.

PROVISIONS

Post-9/11 Veteran Education Relief Fund (Fund) and Tax Credit

1. Establishes the Fund which consists of private donations in any amount and is administered by DVS.
2. Authorizes the state treasurer to invest and divest Fund monies and credits interest earnings to the Fund.
3. States that Fund monies are continuously appropriated.

4. Requires Fund monies to be used to provide financial assistance to qualifying military veterans for tuition and fees at an Arizona postsecondary educational institution that is a veteran supportive campus.
5. Allows a dollar for dollar tax credit for Fund donations for the lowest of the following amounts:
 - a. the total donation amount;
 - b. the tax filer's tax year liability;
 - c. \$200 for single tax filers or per separate tax filer; or
 - d. \$400 for joint tax filers.
6. Caps the aggregate tax credit amount at \$1 million per year.
7. Directs the DVS director to deposit private donations in the Fund, issue receipts to donors that contain certain identifying information for tax purposes, and forward a copy of the receipts to the Department of Revenue.
8. Stipulates that an independent audit of the Fund and the total amount of tax credits issued must be conducted every year on or before March 31 and submitted to the Auditor General.
9. Allows the Auditor General to conduct further action within 30 days.
10. Allows up to 5% of Fund monies to be used for administrative costs, including costs to conduct the annual audit, and authorizes DVS to hire an employee to provide administrative support for the Committee.

Post-9/11 Veteran Education Relief Advisory Committee

11. Creates the Post-9/11 Veteran Education Relief Advisory Committee (Committee) comprised of the DVS director or a designee and nine additional members from Arizona veteran organizations appointed by the DVS director, including a chairman elected by the Committee.
12. Outlines Committee duties, which include the following:
 - a. determine the use of Fund monies and establish criteria;
 - b. create and revise an application process to provide financial assistance to qualifying military veterans via the Fund;
 - c. review and evaluate applications for financial assistance; and
 - d. make other recommendations.
13. Allows the Committee to meet in executive session with proper notice and states that all applications and evaluations are confidential.
14. Stipulates that financial assistance is awarded based on financial need.
15. Authorizes the Committee to issue financial assistance awards of up to the amount of tuition that the applicant was charged in the last year he or she received Post-9/11 GI Bill benefits.
16. Requires the Committee to pay make tuition payments directly to the postsecondary educational institution.

Definitions

17. Defines *postsecondary educational institution* as an Arizona community college or university or a private college, vocational school, or university in Arizona.
18. Defines *qualifying military veteran* as an individual who meets the following requirements:
 - a. is enrolled at a postsecondary educational institution;
 - b. maintains a 2.2 GPA; and
 - c. has qualified for Post-9/11 GI Bill benefits, has exhausted all of these benefits, and has not transferred any of these benefits to a dependent.

AMENDMENTS

Committee on Military Affairs and Public Safety

1. The proposed strike-everything amendment was adopted.



HOUSE OF REPRESENTATIVES

HB 2431

uniform firearms transfer compact

Sponsors: Representatives Thorpe, Barton: Borrelli, et al.

DP Committee on Military Affairs and Public Safety

X Caucus and COW

House Engrossed

OVERVIEW

HB 2431 adopts the Uniform Firearms Transfer Compact (Compact).

HISTORY

Federal law prohibits an unlicensed individual from transferring a firearm to an individual who does not reside in the same state. An interstate firearm transfer is only lawful if the firearm is shipped through a federal firearms licensee within the transferee's state of residence. The transferee may obtain the firearm after undergoing a National Instant Criminal Background Check System assessment.

Arizona Revised Statutes (A.R.S.) § 13-3114 specifies that certain firearms and accessories that are manufactured in Arizona and remain in the state are not subject to federal laws relating to the interstate transfer of firearms. Arizona does not regulate the private transfer of firearms, however a person commits misconduct involving weapons when knowingly transferring a firearm to a person who is a prohibited possessor (A.R.S. § 13-3102).

U.S. Constitution, Article I, Section 10 outlines the limitation of states, and Clause 1, referred to as "the Contract Clause" prohibits a state from enacting any law that retroactively impairs contract rights. U.S. Constitution, Article VI, Section 2, the "Supremacy Clause," states that federal law supersedes any conflicting state laws.

PROVISIONS

1. Enacts the Compact, establishing Arizona as a member state.
2. Defines *member state* as a state that has enacted the Compact.

Compact Membership and Withdrawal

3. Stipulates that the Compact is binding when at least one other state enacts identical legislation to adopt the Compact.
4. States that the Compact governs a member state to the fullest extent permitted by the member state's constitution at the time of enactment and supersedes and repeals any conflicting or contrary state law.
5. Prohibits a member state from withdrawing from or modifying the Compact without the unanimous consent of all other member states.
6. Allows a member state to modify or repeal an addendum to the Compact via legislation.

Uniformity Requirements

7. Restricts a member state from enacting or enforcing any law, regulation, or policy established by a legislature, voter initiative, administrative act, or via prosecution that would impose a fee, tax, penalty, mandate, or regulation on or that would impose criminal or civil liability for the transfer of firearms in excess of federal law, with the following exception:

- a. if the transfer of firearms is an element of a criminal or civil cause of action involving violence or attempted violence, controlled substances, fraud, breach of contract, or intentional or negligent misconduct that causes or threatens personal or economic injury.
8. Authorizes a member state to include an existing law that is in effect or for which prosecution, administration, or enforcement is pending as an addendum to the Compact.
9. States that the Compact may be used as a defense for civil or criminal action relating to the transfer of firearms taken against a person for violation of a law, regulation, or policy that is in conflict with the Compact.
10. Repeals any law, regulation, or policy that is in conflict with the Compact on the effective date of the Act.
11. States that upon enactment of the Compact, the following is void and in violation of the Contract Clause of the U.S. Constitution:
 - a. any law, regulation, or policy established by a legislature, voter initiative, administrative act, or via prosecution or enforcement that is conflict with the Compact; and
 - b. any amendment to a state constitution adopted after enacting the Compact that is in conflict with the Compact.
12. States that upon enactment of the Compact, the following is void and in violation of the Supremacy Clause of the U.S. Constitution:
 - a. any criminal law established by a legislature or voter initiative or any related criminal investigation or prosecution that is in conflict with the Compact; and
 - b. any amendment to a state constitution adopted after enacting the Compact that imposes a criminal law that is in conflict with the Compact.

Construction, Enforcement, Venue, and Severability

13. Designates third party beneficiaries of the Compact who are residents of a member state and have various interests in firearms laws.
14. Provides third party beneficiaries of the Compact with the ability to seek declaratory, injunctive, or other relief in court to enforce the Compact if the beneficiary meets the following conditions:
 - a. the beneficiary provides notice of an entity's noncompliance with the Compact to the entity and the attorney general or chief law enforcement officer of the member state within 60 days;
 - b. the entity fails to remedy its noncompliance within 30 days of notice; and
 - c. the attorney general or chief law enforcement officer of the member state fails to take action to remedy noncompliance within an additional 60 days.
15. Requires a member state to remedy any defects in form or style of the Compact to ensure the provisions of the Compact will be implemented.
16. Maintains the validity of the remainder of the Compact if a provision is deemed unconstitutional or invalid and withdraws a member state if the entire Compact is deemed unconstitutional or invalid.
17. States that the Compact will be construed and enforced solely as reciprocal legislation if the Compact is deemed to be in violation of state limitations as provided by U.S. Constitution.